

REMARKS

Applicants acknowledge receipt of an Office Action dated December 10, 2008. In this response, Applicants have cancelled claims 6, 12, and 13 and have incorporated subject matter from these claims into claim 1. In addition, Applicants have made minor amendments to claims 3, 5, 11, and 15 to address antecedent basis issues. Following entry of these amendments, claims 1-5, 7-11, and 14-15 are pending in the application.

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Rejection Under 35 U.S.C. § 112, 2nd Paragraph

On page 2 of the Office Action, the PTO has rejected claims 3-15 under 35 U.S.C. § 112, 2nd paragraph as allegedly being indefinite.

In this response, Applicants have amended claims 3-5, 7-11, and 14-15 to address the minor grammatical and antecedent basis issues noted by the PTO. Applicants note that these amendments do not narrow the scope of any of these claims.

Furthermore, in this response, Applicants have cancelled claims 6, 12, and 13 and incorporated subject matter from these claims into independent claim 1. Applicants submit that the cancellation of these claims renders the § 112, 2nd paragraph rejection of these claims moot and that the incorporation of subject matter from these claims into claim 1 is free from the issues raised by the PTO.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection under § 112.

Rejection Under 35 U.S.C. § 102

On page 3 of the Office Action, the PTO has rejected claim 1 under 35 U.S.C. § 102(b) as allegedly being anticipated by JP 2001-263869A to Denso Corp (hereafter “JP ‘869”). Applicants traverse this rejection for the reason set forth below.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v.*

Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See generally MPEP § 2131.

Here, JP '869 fails to disclose a soldered refrigerant condenser “wherein an elastically prestressed pressure plate is arranged between an upper closing plate and the dryer medium which comprises a granulate, wherein the portion containing the dryer granulate is arranged in an upper region of the header, preferably in an upper third, in relation to the total height H of the header, and wherein the filter is arranged in a lower region of the header between two overflow orifices” as recited in independent claim 1.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection under § 102.

Rejection Under 35 U.S.C. § 103

On page 3 of the Office Action, the PTO has rejected claim 2 under 35 U.S.C. § 103(a) as allegedly being unpatentable over JP 2001-263869A to Denso Corp (hereafter “Denso Corp”) in view of Official Notice. Applicants traverse this rejection for the reasons set forth below.

Here, JP '869 and the Official Notice taken by the PTO, whether considered individually or in combination, fail to teach or suggest a soldered refrigerant condenser “wherein an elastically prestressed pressure plate is arranged between an upper closing plate and the dryer medium which comprises a granulate, wherein the portion containing the dryer granulate is arranged in an upper region of the header, preferably in an upper third, in relation to the total height H of the header, and wherein the filter is arranged in a lower region of the header between two overflow orifices” as recited in independent claim 1.

For at least this reason, Applicants submit that the outstanding rejection based upon the combination of JP '869 and the PTO's Official Notice does not apply to independent claim 1 or to claim 2 which depends therefrom.

Finally, for the sake of establishing a complete record, Applicants request that the PTO identify a reference disclosing that at least one of the closing plates is designed as a perforated plate as recited in claim 2.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection under § 103.

CONCLUSION

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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